



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Feigel, Sheldon W., sole practitioner of Sanger (for Petitioner Lavonne Boland, Conservator)
Second Account and Report of Conservator [Prob. C. 2620, 2640]

Age: 87 years		LAVONNE ILENE BOLAND , daughter and Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 2/25/2013.</u> The following issues remain:
		Account Period: 4/24/2009 – 8/24/2012	
Cont. from 011413, 022513		Accounting - \$90,583.67	<ol style="list-style-type: none"> 1. Fees totaling \$860.00 for Court Investigations billed in 2008 are due from the conservatorship estate (<i>please refer to copy of billing statement on left side of case file.</i>) Fee Waiver granted subsequent to 2008 does not cover fees previously incurred unless <i>Order on Court Fee Waiver</i> states the fee waiver is retroactive. 2. Proof of service by mail of the <i>Notice of Hearing</i> contains the following defects: <ul style="list-style-type: none"> • Hearing date on the <i>Notice of Hearing</i> form is stated as 2/26/2013; however, the date should have been stated as 2/25/2013, the date of the previous hearing for this Second Account. • Notice to Walter Squires, spouse, was sent in care of Celeste Barker rather than directly to him as required by CA Rule of Court 7.51.
	Aff.Sub.W	Beginning POH - \$63,502.15	
✓	Verified	Ending POH - \$ 431.06 (<i>\$6.06 is cash</i>)	
	Inventory	Conservator - waives	
	PTC	Attorney - waives	
	Not.Cred.	Bond - \$10,000.00	
	Notice of Hrg	Petitioner states:	
✓	Aff.Mail	<ul style="list-style-type: none"> • This Court authorized the Conservator to relocate the Conservatee to live with the Conservator in Oregon, and ordered a conservatorship of the person be established in Oregon; Petitioner was appointed as Guardian of the Person in Deschutes County, Oregon on 7/1/2009 (<i>please refer copy of Letters filed 7/24/2009</i>); • Fees for services by the attorney during the period of this account are being waived, and the Conservator waives her right to compensation; fees ordered by the Court for the First Account have not been paid in full by the conservatorship estate, as it does not have sufficient funds to pay the fees; (<i>Note: Attorney Fiegall was authorized \$15,312.50 in ordinary and extraordinary services by the Order Settling First Account filed 8/12/2009 for the account period 4/24/2008 – 4/24/2009</i>); • Conservatee currently receives monthly SSI and SSA income totaling \$718.00, which is used entirely to cover the costs of the Conservatee's care, medical bills and room and board at the Conservator's home in Oregon; these funds are insufficient to cover all of Conservatee's costs, and Conservator pays from her own funds to cover the balance for the care of the Conservatee; 	
✓	Aff.Pub.		
	Sp.Ntc.	X	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/S		
	Objection		
	Video Receipt		
	CI Report		
✓	2620		
✓	Order		
	Aff. Post		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notc		
			Reviewed by: LEG
			Reviewed on: 3/11/13
			Updates:
			Recommendation:
			File 1 – Squires

~Please see additional page~

Petitioner states, continued:

- During the course of this accounting, Conservatee's property in Fresno County was sold; Conservatee's ½ community property interest was valued at **\$60,000.00** (total value of **\$120,000.00** for entire property), and the property was listed and marketed for many months, during which time the conservatorship was paying for two outstanding mortgages on the property, which was draining all of the conservatorship resources, and no offers were being made due to the declining real estate market; the Conservator and the daughter representing the Conservatee's spouse for the other ½ interest continued to reduce the asking price until accepting an offer of **\$65,000.00** (**\$32,000.00** for Conservatee's ½ interest), and as a result the conservatorship estate suffered a loss on sale of **\$27,500.00** (*please refer to Schedule D*);
- There is currently a bond in effect in the amount of **\$10,000.00**, and Petitioner requests due to the limited assets in the estate that the Court order termination of the bond;
- Due to the lack of funds in the estate and the minimal amount of income and expenses of the estate, and the fact that the conservatorship of the person is being handled by the Court in Oregon, Petitioner requests the Court dispense with further accountings for the estate, or if accountings must be done, that such accountings be done with the Court in Oregon having jurisdiction over the conservatorship of the person.

Petitioner prays for an order:

1. Settling and allowing the First Account, and confirming and approving all acts and transactions of Petitioner as the Conservator;
2. Dispensing with further accountings until such time as the estate is in a position to be closed; and
3. Terminating the **\$10,000.00** bond.

Marie Moore 10-15-96 Edward C. Moore DOD: 9-16-06 Cont. from 012813, 022513 <table border="1"> <tr> <td><input type="checkbox"/></td> <td>Aff.Sub.Wit.</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Verified</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Inventory</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>PTC</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Aff.Mail</td> <td>W</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Letters</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Objections</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>CI Report</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>9202</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Order</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Citation</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>FTB Notice</td> <td></td> </tr> </table>	<input type="checkbox"/>	Aff.Sub.Wit.		<input checked="" type="checkbox"/>	Verified		<input type="checkbox"/>	Inventory		<input type="checkbox"/>	PTC		<input type="checkbox"/>	Not.Cred.		<input checked="" type="checkbox"/>	Notice of Hrg		<input checked="" type="checkbox"/>	Aff.Mail	W	<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>	Pers.Serv.		<input type="checkbox"/>	Conf. Screen		<input type="checkbox"/>	Letters		<input type="checkbox"/>	Duties/Supp		<input type="checkbox"/>	Objections		<input type="checkbox"/>	Video Receipt		<input type="checkbox"/>	CI Report		<input type="checkbox"/>	9202		<input checked="" type="checkbox"/>	Order		<input type="checkbox"/>	Aff. Posting		<input type="checkbox"/>	Status Rpt		<input type="checkbox"/>	UCCJEA		<input type="checkbox"/>	Citation		<input type="checkbox"/>	FTB Notice		<p>TIMOTHY MOORE, Successor Trustee, is Petitioner.</p> <p>Former Trustee TERENCE E. MOORE was removed per minute order 11-29-11. The order was signed 12-15-11.</p> <p>Account period: 12-5-11 through 11-28-12 Accounting: \$7,400.72 Beginning POH: \$2,354.95 Ending POH: \$ 62.16</p> <p>Petitioner requests fees as Successor Trustee in the amount of \$15,000.00 for over 300 hours @ \$50/hr. Petitioner states that when the court first appointed him as trustee, he stated that he would not charge a fee. At that time, he had no idea that he would spend over 300 hours to determine what the prior trustee had done or not done and to determine what assets remained. Petitioner states he completed the basic duties required of a trustee from 2006 to present, including taxes, bills, searching for unreported/stolen assets, such as the Sturm-Ruger stock certificates transferred to Terence Moore's private account and a prepaid funeral plan). Petitioner determined that the former trustee had taken tens of thousands of dollars from the trust, lied to the court, and stole fishing equipment and other personal property items before turning over the storage to Petitioner.</p> <p>Reimburse Successor Trustee: \$13,257.95 (for accounting and attorney fees, administration costs advanced per declaration)</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. Settling and allowing the account and approving and confirming the acts of Petitioner as successor trustee; 2. Waiving future trust accountings; 3. Authorizing Petitioner to pay to himself from trust or by requesting reimbursement from trust beneficiaries of their proportionate share of trust distributions the sum of \$13,257.95 which Petitioner has advanced on behalf of the trust; 4. Authorizing Petitioner to pay to himself, from trust or by requesting reimbursement from trust beneficiaries the sum of \$15,000.00 as Trustee fees/compensation; and 5. For such other orders as the Court may deem proper. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-28-13: Court informs Mr. Roberts to file an itemization on trustees fees. Mr. Roberts will file a declaration in the next few weeks. Counsel will also amend the petition to exclude Terence Moore from paying fees. Terence will file un-paid bills with Mr. Roberts. Court informs Mr. Roberts that \$50.00/hr is over the allotted amount for trustee fees. Mr. Roberts accepts the amount of \$25.00/hr. Set on 2/15/13 at 9:00am in Dept. 303 for Status Re: Filing of Receipts. Petition is granted. Order to be signed ex parte.</p> <p>Note: It does not appear that the status hearing occurred on 2-15-13. No receipts have been filed.</p> <p>Note: Timothy Moore filed Declaration in Support of Trustee's Fee on 2-15-13.</p> <p>Note: The order originally presented at the 1-28-13 hearing has not been signed. If the figures are different based on the Trustee's declaration filed 2-15-13, a new order is needed.</p> <p>Reviewed by: skc Reviewed on: 3-11-13 Updates: Recommendation: File 2 - Moore</p>
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Minute Order 2-25-13: Counsel informs the Court that the assets will be dealt with in the Bankruptcy Court. Terence Moore objects to the accounting. The Court accepts Terence Moore's late filed oral objections regarding the details of the attorney's fees. The Court advises Terence Moore that if, such information has been provided, he may expect further action on behalf of Timothy Moore regarding attorney's fees. Terence Moore is directed to submit written objections before the next hearing on 3/18/13. Continued to 3/18/13 at 9:00am in Dept. 303.

Addendum to Exhibits to First Account filed 3-7-13 by Attorney Gregory J. Roberts for Petitioner Timothy Moore provides billing records/details.

Objection filed 3-8-13 by Terence E. Moore (in pro per) states he has not been provided information regarding attorney's fee documentation. Mr. Roberts could have told the Court in spirit of candor that he forgot to attach the documentation. His silence was in fact a misrepresentation to the Court. This is not the first time Mr. Roberts has filed a document with the Court that did not include the attorney bills. See exhibit. Objector cites Donahue v. Donahue: "Implicit in a trustee's fiduciary duties is a duty to be cost-conscious." "Wasting beneficiaries' money is imprudent" and Probate Code § 16002(a): Trustees have a duty to administer the trust solely in the interest of the beneficiaries.

Objector states Mr. Roberts and Timothy have been informed that Objector's bankruptcy is final and is subject to permanent federal injunction protecting him against actions regarding dismissed debts and pre-bankruptcy legal proceedings. See attached. Mr. Roberts represented to the Court that he would revise the original petition to comply with § 524(a) of the bankruptcy code, but nothing has been done to date. Mr. Roberts and Timothy are getting very close to a contempt motion under § 105(a). The discharge does not allow any offsets for prior discharged debts related to the trust.

Objector states that until Mr. Roberts files a corrected and coherent petition, the following are interim objections to Timothy's petition:

- Timothy indicates the trust has a cash balance of \$62.18. Where is the justification to his continued waste of money that is not and will not be a benefit to the beneficiaries?
- Timothy has provided no required information on the personal property he picked up from the past trustee (Objector)
- There has been no inventory, appraisal, documentation on sale of property, no information on what property remains. Timothy's attorney has not responded to this very legitimate request.
- Among other things there are numerous coin collections Objector would like to have.
- Timothy indicates \$2240 in tax prep fees. Of this amount, \$1,715 was paid via ITEX which is not American money. ITEX is a barter network that is favored by tax evaders. The ITEX payment should be denied for reimbursement.
- Timothy's attorney has been provided with detailed information on an outstanding debt of the trust. Bill Coleman was Objector's attorney for the trust as the Court knows. He is owed over \$15,000.00. Timothy should be ordered to account for this debt as it is a liability of the trust.
- Timothy also alludes to additional assets being a possibility. The beneficiaries want a description of these assets.
- Mr. Roberts has been put on notice that there is a potential \$150,000.00 asset due the trust. The beneficiaries request Timothy be ordered to account for this potential asset. Exhibit #5 is a prima facie case on Timothy's violation of the trust's no-contest clause. This is expected to return \$150,000.00 to the trust shortly after Timothy's nuisance bankruptcy suit is dismissed.
- The summary and addendum contain numerous error, including the original petition date, Timothy's rather vivid imagination with his fixation on "fishing gear" and how Objector removed it from storage or stole it. Objector states he gave all of his dad's fishing gear to himself in 2006 as allowed in the trust. It has always been in his home garage. See exhibit.
- Timothy lists "assets added to trust in 2012" which has four different sales of personal property to a "Magarity" and "Silk Bar." Who are these people and where is the documentation as to the propriety of these sales?

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Monday, March 18, 2013

Page 3

- Timothy indicates payments of \$2,400 to Greg Roberts and to Randolph Krbechek. Objector believes more documentation is in order.
- Timothy states he prepared evidence for both the Probate Court and the Bankruptcy Court. There is no evidence in Bankruptcy Court, there isn't even a viable claim in Bankruptcy Court. Show me the evidence.
- Why did Timothy waste trust assets to pay debts that were past the statute?
- Why did Timothy spend \$2240 for tax prep work plus 25.5 hours for him @ \$25/hr or \$637.50 for a total of \$455.67 in paid taxes? Objector already handled taxes according to trust authority and the subject should have been final. In addition, Timothy did not provide complete copies of the tax returns.
- Discovered missing income? Now would that include the funeral insurance policy? Objector states he has already explained that to Mr. Roberts. That policy was not part of the trust, and Objector was the beneficiary under the policy. It is none of Timothy's business what he did with that money.
- Timothy states he believes Objector is owed no money from the trust for Bill Coleman's bills. Objector never said he was, but the trust owes Bill Coleman's bills. Objector's personal debt has been discharged, but the trust still owes the money.
- Timothy states Objector took an extra \$61,636.59 from the trust. If Timothy believes this acts as an offset to Objector receiving future money then he is wrong. Objector challenges Timothy to attempt any offset in the future. We can settle this up in Bankruptcy Court.
- Timothy was directed to provide an itemized accounting to justify his request for over 300 hours of extra work. He produced almost 7 pages of single spaced impossible to evaluate junk. Its not even in proper date order, the explanations of time spent is limited at best. He has done a good job of deliberately handicapping the beneficiaries from making any reasonable evaluation. The starting date is not even the proper 12-15-12.
- Timothy indicates an 11-5-12 email re guns. The actual date was 11-6-12.
- Timothy should be ordered to provide a detailed proof of exactly what he did to benefit the beneficiaries. For example, 3.5 hours for "court prep" on 1.15.13. These are unsubstantiated charges. The date was 11-2-12, there was a different judge, and Mr. Roberts was there without Timothy. How can beneficiaries make a reasonable evaluation of expenses when Timothy invents his activities. How can the court award fees when the trustee clearly lies about what he did?
- The court should remember that Timothy committed to doing all the trustee accounting duties at no cost. See Transcript.
- The court also stated it was going to hold Timothy's feet to the fire. That was over 15 months ago.
- Randolph Krbechek Bankruptcy Attorney Fees: Timothy filed a 523(a)(4) suit to contest Objector's rights to the guns. The trust is absolutely clear that the guns were mandated to go to Objector. The guns were distributed to Objector in Sept. 2006 pursuant to the trust. Timothy's right to contest the validity of either section ended 120 days after 3-9-11 when a complete copy of the trust was mailed to him. Timothy will lose his suit and no possible benefit to the trust or beneficiaries has ever existed. His request for fees to Mr. Krbechek should be denied.
- Probate Code §17211(a): Objector is aware of the potential consequences of this statute and under no circumstances does he believe his objections have been made without reasonable cause and in bad faith. If the Court feels he is objecting in an unreasonable manner, he will be happy to listen to any suggestions.

See Exhibits 1-7 attached.

Objector prays for an order denying all attorney fee requests due to inadequate documentation, ordering Timothy to cease all activities that do not directly benefit the beneficiaries directly and equally, denying Timothy's request for trustee fee now and in the future, Ordering Timothy to properly account for the trust personal property, Denying Timothy's request to seek reimbursement from any beneficiary, Ordering Timothy to cease all accounting activities prior to the date he became the trustee, and any other relief deemed appropriate by the Court.

(1) Waiver of Accounting and Report of Co-Executors and (2) Petition for Its Settlement, (3) Waiver of Co-Executors' Commissions, Waiver of Attorney's Fees, and for (4) Final Distribution (Prob. C. 10810 & 11640)

DOD: 06/24/11		JULIA W. MACCONOCHIE and ALISA M. TRIBBEY , Co-Executors, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: Note: An ancillary proceeding was conducted in Oregon. All real property assets located in the state of Oregon have been distributed to the beneficiaries.
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
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	Pers.Serv.		
	Conf. Screen		
	Letters	07/03/12	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

JULIA W. MACCONOCHIE and ALISA M. TRIBBEY, Co-Executors, are Petitioners.

Accounting is waived.

I & A - **\$241,497.00**
 POH - **\$241,497.00**

Executors - **waived**

Attorney - **waived**

Distribution, pursuant to Decedent's Will, is to:

Julia W. Macconochie - 50% interest in real property and 50% interest in household furnishings and effects

Alisa M. Tribbey - 50% interest in real property and 50% interest in household furnishings and effects

Reviewed by: JF

Reviewed on: 03/11/13

Updates:

Recommendation: SUBMITTED

File 3 - Williams

Atty Baldwin, Kenneth A. (of McCormick Barstow, for Allene Joyce Lamm O'Neal – Co-Trustee – Petitioner)

Atty Poochigian, Mark (for Duane Lamm – Co-Trustee)

Petition to Compel Co-Trustee Duane Alan Lamm to File Report and Account After Written Request; to Remove Duane Alan Lamm as a Co-Trustee; to Redress Breaches of the Trust by Duane Alan Lamm; to Divide and Distribute the Trust Estate; and to Terminate the Trust [Prob. C. 15642 & 17200 et seq.]

Alex Lamm DOD: 11-17-90	ALLENE JOYCE LAMM O'NEAL , Co-Trustee, is Petitioner and states:	NEEDS/PROBLEMS/COMMENTS: Page 4B is Status Re Settlement
Lillian Lamm DOD: 11-19-06	<ul style="list-style-type: none"> Trustors Alex and Lillian created the Alex and Lillian Lamm Living Trust (the "Trust") on 3-11-88. 	Minute Order 9-20-12:
	<ul style="list-style-type: none"> The Trust was amended and restated on 9-21-90. 	Paul O'Rourke [McCormick Barstow] is appearing via conference call. Mr. Poochigian advises the Court that he filed his objections this morning. The Court accepts Mr. O'Rourke's representation that no additional parties need to be provided notice. The Court notes that there is no objection by Mr. Poochigian regarding the issue of notice. At the request of Mr. O'Rourke, the Court orders Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present. The Court orders that the accounting to be completed by 11/19/12. Continued to 11/29/12, Status Conference Set on 11/29/12.
Cont. from 092012, 112912, 022513	<ul style="list-style-type: none"> Alex died on 11-17-90, causing the trust to be divided among the Alex Lamm By-Pass Trust, the Alex Lamm Marital Trust, and the Lillian G. Lamm Survivor's Trust, which remained revocable. 	
<input type="checkbox"/> Aff.Sub.Wit.	<ul style="list-style-type: none"> The Survivor's Trust was amended twice: on 6-7-04 and 2-17-05. 	
<input checked="" type="checkbox"/> Verified	<ul style="list-style-type: none"> Lillian died on 11-19-06. 	
<input type="checkbox"/> Inventory	<ul style="list-style-type: none"> For purposes of this petition, "Trust" refers to all three trusts collectively. 	
<input type="checkbox"/> PTC	Petitioner states the Trust provides that she and her brother DUANE ALAN LAMM were to become co-trustees on the death of the Trustors; however, since Lillian's death, Duane has asserted exclusive control over most of the assets of the Trust.	
<input checked="" type="checkbox"/> Not.Cred.	The Trust as amended provides that the Marital Trust and the By-Pass Trust are to terminate and be distributed to Duane and Allene in equal shares immediately following Lillian's death.	
<input checked="" type="checkbox"/> Notice of Hrg	The Survivor's Trust as amended provides that the Survivor's Trust is to terminate at Lillian's death and is to be distributed as follows:	
<input checked="" type="checkbox"/> Aff.Mail	<ul style="list-style-type: none"> To BLAKE LAMM (Trustors' grandson) a fractional portion (56.64%) of the Survivor Trust's ownership interest (45.56%) in certain real property in Reedley consisting of approx. 76 acres; and 	
<input type="checkbox"/> Aff.Pub.	<ul style="list-style-type: none"> To DUANE and ALLENE, the residue of the Survivor's Trust estate, in equal shares, which includes that the share apportioned to ALLENE is to include a certain residence ("Allene's Residence") and that the share apportioned to DUANE is to include the Trustors' residence, without affecting the equality of the shares. 	
<input type="checkbox"/> Sp.Ntc.	SEE ADDITIONAL PAGES	Minute Order 11-29-12: Parties request the matter be set for trial. Matter set for Court Trial on 3/29/13 with a one-day estimate. The Court sets a Settlement Conference on 2/25/13. Counsel is directed to submit their settlement conference statements along with a courtesy copy for the Court on the Thursday before the hearing. The Court authorizes Mr. O'Rourke to file his objections. The Court advises counsel that it will accept the objections subject to any filing fees. Set on 2-25-13 at 10:30am for Settlement Conference. Additional hearing date: 3-29-13 at 10am for Court Trial.
<input type="checkbox"/> Pers.Serv.		1. The proposed order includes a blank for a surcharge amount to be filled in for attorney's fees. The Court may require clarification and further documentation regarding the amount requested.
<input type="checkbox"/> Conf. Screen		Reviewed by: skc
<input type="checkbox"/> Letters		Reviewed on: 3-11-13
<input type="checkbox"/> Duties/Supp		Updates:
<input type="checkbox"/> Objections		Recommendation:
<input type="checkbox"/> Video Receipt		File 1B - Lamm
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Page 2**Petitioner states:**

- The Trust Estate includes real estate, corporate stock, gemstones and cash, including an undivided 75% ownership interest as tenant in common in certain commercial real property consisting of an office building (the "commercial building") in Reedley, which is leased to Chase Bank. (The other 25% is owned by Duane's former spouse, Linda W. Lamm.)
- Petitioner states that since Lillian's death, Duane has been and continues to collect all rent from the Commercial Building personally and deposits same into his bank account without Allene's consent and in breach of the terms of the Trust.
- The Trust Estate also includes gemstones and precious metals, including specified items, and a Wells Fargo checking account, which is under Duane's exclusive control in breach of the terms of the Trust.
- The Trust Estate also includes 55% of the issued and outstanding common stock of Al Lamm Ranch, Inc., a California corporation. Allene and Duane each own 22.5%. Petitioner states Duane possesses and controls all of the assets of the Corporation and uses those assets for the exclusive benefit of his personal farming operations to the detriment of the Corporation and its majority owner, the Trust.
- The 76 acres of farmland (the "Home Ranch") located in Reedley is owned by the Trust and leased to Rio Vista Limited Partnership under a lease dated 10-1-05 that expires 9-30-20. Petitioner states all rent from the Home Ranch has been and continues to be collected by Duane and deposited in his personal accounts over which he has exclusive control. Duane has not provided Allene with any accounting nor made any distributions of such rental income to Allene in breach of the Trust.

Examiner's Note: It is unclear if this is the same 76 acres as is specified in the devise to Blake Lamm, since the devise indicates that the Trust owns only a partial interest of 45.56%, but this section of the petition indicates that the Trust owns this real property. The Court may require clarification.

- Petitioner states that at Lillian's death, Duane unilaterally assumed the primary duties of administering the Trust Estate, and appointed himself as the Trust decision maker and used his knowledge of the family holdings to single-handedly control the management of the Trust Estate while excluding Allene as a trustee in violation of Probate Code § 15620, which requires unanimous consent of co-trustees for action. Specifically, Petitioner states Duane has insisted on exercising exclusive control over the Commercial Building, Home Ranch and Corporation because those assets provide him with his primary source of income. Duane also holds physical possession of the specified gemstones and precious metals.
- Petitioner states she formally demanded an accounting and proposed division and distribution of the Trust Estate in a letter to Duane's attorney Mark Poochigian on 5-17-12, which letter has been ignored. Duane appears reticent in providing a full and complete disclosure of this acts and proceedings involving the Trust and has been less than forthcoming in his response to Allene's requests for information. Because of Duane's refusal to provide information and his exclusive control over the assets, including all bank accounts, for over five years, Duane should be directed to file full accounting.
- Petitioner states Duane has committed numerous breaches of trust by collecting all rents in connection with the Commercial Building and Home Ranch and depositing them into his personal accounts. By doing so, he has converted assets – a clear breach of trust.
- Duane has personally benefitted from his exclusive control and use of the equipment owned by the Corporation, the controlling shares of which are owned by the Trust. Neither the Corporation nor the Trust has received any benefit from Duane's personal use of such equipment.
- Petitioner further alleges that Duane has taken unauthorized withdrawals of cash from the Trust – another clear breach of the Trust and Probate Code § 15620 – without her consent, and no equalizing distributions have been made to Petitioner.

SEE ADDITIONAL PAGES

Page 3

- Finally, Duane has refused for well over five years to cooperate with Petitioner in division and distribution of the Trust Estate to the beneficiaries notwithstanding the terms of the Trust which require termination and immediate division and distribution following Lillian's death.
- Probate Code § 15642 empowers this Court to remove a trustee who has committed a breach or whose hostility or lack of cooperation with the other co-trustees impairs the administration of the Trust. Redress should also include removal of Duane as a co-trustee for his conversion of assets, unauthorized withdrawals, and refusal to cooperate. Such redress will allow Petitioner as the sole trustee to complete the necessary division and distribution as required by the express terms of the Trust.
- Redress should also include attorneys' fees and legal costs, as Petitioner has been forced to take extreme measures to compel Duane to carry out his fiduciary duties. Section 1(f) of the Trust allows the trustee to employ attorneys on behalf of the trust to assist in carrying out her duties. Petitioner, in carrying out her duties, has been required to retain counsel and incur legal costs to compel Duane to carry out his duties. Such fees and costs should be surcharged against Duane's beneficial interest in an amount according to proof.
- The Trust was to terminate on Lillian's death, which was over five years ago. Duane has refused to cooperate with Allene in dividing and distributing the Trust Estate to beneficiaries in accordance with the express terms of the Trust. Under Probate Code §§ 17200(b)(13) and (14), this Court has the authority and should order termination and distribution.

Petitioner requests the Court Order:

- **That Duane be directed to prepare and file within 30 days an account of the Trust from Lillian's death (11-19-06) through present, accompanied by a schedule of property, current market value, and all liabilities of the Trust;**
- **That Duane be compelled to restore to the Trust all Trust assets that he has converted for his personal use and benefit;**
- **That Duane be compelled to either return to the Trust all unauthorized cash advances that he has taken from the Trust Estate as described, plus interest at the max. legal rate, or in the alternative, be compelled to cause the Trust to make an equalizing distribution to Allene, plus interest;**
- **That Duane be removed as a co-trustee of the Trust;**
- **Directing that the Trust be terminated and the Trust Estate be divided and distributed to the Trust beneficiaries in accordance with the express terms of the Trust;**
- **For attorneys' fees and legal costs incurred by Petitioner in connection with this Petition to be surcharged against Duane's share of the Trust Estate; and**
- **For such other and further orders and relief as the Court may deem appropriate.**

Further Notes re status:

On 9-20-12, at the request of Mr. O'Rourke, the Court ordered Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present be completed by 11-19-12.

On 11-20-12, Mr. Poochigian filed a Declaration stating that his office sent a letter to Kenneth Baldwin's office on 11-19-12 enclosing an accounting from 11-19-06 through 10-31-12 (attached).

Minute Order 9-20-12: Paul O'Rourke [McCormick Barstow] is appearing via conference call. Mr. Poochigian advises the Court that he filed his objections this morning. The Court accepts Mr. O'Rourke's representation that no additional parties need to be provided notice. The Court notes that there is no objection by Mr. Poochigian regarding the issue of notice. At the request of Mr. O'Rourke, the Court orders Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present. The Court orders that the accounting to be completed by 11/19/12. Continued to 11/29/12, Status Conference Set on 11/29/12.

Note: No accounting has been properly filed for Court review; however, Objections to Accounting of Co-Trustee, Duane Alan Lamm were filed 11-30-12.

Examiner notes that an accounting (attached to Declaration) was sent to Petitioner's attorney; however, the accounting was not filed as a Petition for Court review.

Therefore, Examiner has not reviewed the schedules or the objections.

If the Co-Trustee's Accounting is to be reviewed by the Court, need Petition with appropriate filing fee.

Minute Order 2-25-13: Counsel informs the Court that a settlement agreement is in progress. Matter continued. Status hearing set (Page 4B).

4B Alex and Lillian G. Lamm Living Trust (Trust)

Case No. 12CEPR00687

Atty Baldwin, Kenneth A. (of McCormick Barstow, for Allene Joyce Lamm O'Neal – Co-Trustee – Petitioner)

Atty Poochigian, Mark (for Duane Lamm – Co-Trustee)

Status Hearing Re: Settlement Agreement

	ALLENE JOYCE LAMM O'NEAL , Co-Trustee, filed Petition to Compel Co-Trustee	NEEDS/PROBLEMS/COMMENTS:
	DUANE ALAN LAMM to File Report and Account after Written Request, to Remove DUANE ALAN LAMM as Co-Trustee, to Redress Breaches of the Trust by	
Aff.Sub.Wit.	DUANE ALAN LAMM , to Divide and Distribute the Trust Estate, and to Terminate the Trust on 8-6-12.	
Verified		
Inventory		
PTC	DUANE ALAN LAMM filed Objections on 9-20-12.	
Not.Cred.		
Notice of Hrg	At hearing on 9-20-12, the Court ordered Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present by 11-19-12, and the matter was continued to 11-29-12.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	On 11-20-12 , Attorney Poochigian filed a declaration that appears to contain an informal unverified "accounting" that was sent to Mr. Baldwin.	
Conf. Screen		
Letters	At hearing on 11-29-12, the matter was set for trial on 3-29-13, settlement conference to be held on 2-25-13.	
Duties/Supp		
Objections	On 11-30-12 , Allene Joyce Lamm O'Neal filed Objections to Accounting.	
Video Receipt		
CI Report		
9202		
Order	At hearing on 2-25-13 , Counsel informed the Court that a settlement agreement is in progress. The Settlement Conference was taken off calendar and the Court set this status hearing re: Settlement Agreement.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 3-11-13
		Updates:
		Recommendation:
		File 4B – Lamm

4B

Atty Bagdasarian, Gary G., sole practitioner (for Petitioners Janice Stewart and Mark Lawson, Successor Co-Trustees)

Petition for Settlement of Final Account and Report of Co-Trustees and Termination of Trust (Prob. C 1061-1064, 15407(a)(2) and (b), 15800-15804, 16062, 10664, 17200(b)(5), 17203, CRC 7.902)

DOD: 2/26/2011	JANICE STEWART and MARK LAWSON, Successor Co-Trustees of the JIM D. HINTON 1993 TRUST dated 6/24/1993 , are Petitioners.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 2/25/2013.</u> <u>Note for background:</u> Minute Order dated 1/28/2013 states Mr. Bagdasarian needs to file itemization and time sheets with breakdown of the \$30,000.00 [reserve.]
Cont. from 012813, 022513	Account period: 2/26/2011 – 4/30/2012 Accounting - \$1,420,505.57 Beginning POH - \$1,401,387.56 Ending POH - \$ 827,316.64	
Aff.Sub.W		
<input checked="" type="checkbox"/> Verified		
Inventory	Subsequent Account: 5/1/2012 – 9/10/2012 Accounting - \$829,343.56 Beginning POH - \$827,316.64 Ending POH - \$220,612.69 (all cash) Co-Trustee - \$6,308.24 (covers both account periods; paid to Co-Trustee Janice Stewart; itemization filed 2/21/2013.)	
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail ^W / _I		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Accountant - \$8,675.00 (\$4,825.00 for first account period, \$3,850.00 for subsequent account period; paid to M. Green and Co., LLP.; itemization filed 2/21/2013.)	
Conf. Screen		
Letters		
Duties/S		
Objectn	Attorney - \$43,372.34 (\$38,791.47 for first account period, \$4,580.87 for subsequent account period; itemization filed 2/21/2013.)	
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order	Reserve - \$30,612.69 (for fiduciary income tax returns, tax liabilities, expenses, fees and costs of co-trustees, accountant and attorney incurred after the date of entry of Court order; \$24, 844.20 remains of the reserve, per Declaration of Gary G. Bagdasarian filed 2/25/2013, stating \$5,768.49 in legal fees have been paid subsequent to the 9/10/2012 end of this account period; an additional \$3,500.00 in legal fees are estimated still to be paid; accounting fees of \$975.00 have been paid; remaining ~\$16,000 to be used for any future tax liability and accounting fees.) ~please see additional page~	
Aff. Post		Reviewed by: LEG
Status Rpt		Reviewed on: 3/11/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notc		File 5 – Hinton

Petitioners state:

- The *Petition for Settlement of Account* is reasonably necessary for the protection of the interests of the Successor Co-Trustees and the beneficiaries because without the approval of the Court as to the Account and Report, the Co-Trustees would be required to hold back substantial funds from distribution to the beneficiaries to cover potential costs of litigating any claims made during the ~3 years until the statute of limitations expires;
- Co-Trustees seek timely determination of all matters presented in this account so that beneficiaries may receive distributions without lengthy delay;
- Pursuant to consents of beneficiaries to *Notice of Proposed Action*, 11 preliminary distributions of cash and personal property items were made from the Trust and received by the three beneficiaries totaling **\$894,818.98**; a proposed preliminary distribution to **LINDSEY H. HINTON** in the amount of **\$150,000.00** cash reflected in the account was never made as she never requested the preliminary distribution;
- Pursuant to the *Agreement Between Beneficiaries Concerning Distribution of Personal Property and Effects* signed by all three beneficiaries (attached as Exhibits E1, E2, E3), the Trustees distributed appraised personal property totaling **\$14,819.00**; based upon the distributions, the amounts allocated to each of the beneficiaries is set forth as an increase or decrease to the beneficiary's distribution depending on the personal property received;
- The Trust will incur additional trustee, accounting and attorney's fees and costs and will incur additional filing fees for this petition in an uncertain amount over and above the trustee, accounting and attorney's fees incurred to the date of filing this account, for which the Petitioners request a reserve of **\$30,612.69** to be held for closing expenses including filing fiduciary income tax returns, payment of tax liabilities, and expenses properly incurred in the distribution of the Trust estate, and co-trustee's fees, accountant's fees and attorney's fees and costs incurred after the date of entry of an order of this Court on this petition;
- The Trust estate available for distribution is **\$190,000.00** (represented by **\$220,612.69** less **\$30,612.69** reserve), plus **\$150,000.00** not previously distributed to Lindsey H. Hinton, and is proposed to be distributed as follows:
 - **TERESA ANN KERN, daughter – 50%** interest in the estate totaling **\$97,284.00** (\$95,000.00 plus \$2,284.00 personal property distribution allocation);
 - **CERA A. GHAVIMI, granddaughter – 25%** interest in the estate totaling **\$41,861.00** (\$47,500.00 less \$5,639.00 personal property distribution allocation);
 - **LINDSEY H. HINTON, granddaughter – 25%** interest in the estate totaling **\$200,855.00** (\$47,500.00 plus \$3,355.00 personal property distribution allocation plus \$150,000.00 preliminary distribution not taken previously);
- Petitioners request that after distribution and receipts filed in connection with distribution, the Co-Trustees are discharged and released from liability for all acts taken by them as Successor Co-Trustees of the Trust.

Petitioners pray for an Order:

1. That this Account and Report be settled, allowed and approved, and all of the acts and transactions of Petitioners set forth in it be ratified, confirmed and approved;
2. That Petitioners be allowed to retrain a reserve of **\$30,612.69**;
3. That Petitioners be allowed to distribute the sums [noted above] to the beneficiaries; and
4. That the Successor Co-Trustees and their attorneys and accountants be discharged and released from liability for all acts taken by them as described in the petition.

"Laycee" Age: 9		TEMPORARY EXPIRES 2-11-13	NEEDS/PROBLEMS/COMMENTS:
		BEVERLY and ALEXANDER FRANK , Maternal Grandmother and Step-Grandfather, are Petitioners.	<u>Minute Order 2-11-13</u> : The Court dispenses with further notice to the paternal grandparents. Sheila Jones objects to the petition. Sheila Jones requests a continuance to retain counsel. The Court grants the request and continues the matter to 3-18-13. All prior orders remain in full force and effect.
Cont from: 021113		Father: JOHN MICHAEL DEAN REAGAN - Notice dispensed per Minute Order 1-2-13	
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: SHEILA MARIE JONES - Personally served 1-4-13	<u>As of 3-11-13, no objections have been filed.</u>
<input checked="" type="checkbox"/>	Verified	Paternal Grandfather: Unknown - Notice dispensed per Minute Order 2-11-13	
<input type="checkbox"/>	Inventory	Paternal Grandmother: Unknown - Notice dispensed per Minute Order 2-11-13	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	X	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

7 Estate of George Anderson & Rose Anderson (Trust) Case No. 13CEPR00085**Atty Sullivan, Robert L. (for George H. Anderson, Jr., Barbara J. O'Bar, and Cheryl M.****Black – children/Petitioners)**

Petition for: (1) Neglect [W&I C. 15610.57]; (2) Financial Elder Abuse [W&I C. 15610.30]; (3) Recovery of Estate Property [Prob. C. 850, et seq.]; (4) Removal of Trustee for Breach [Prob. C. 15642]

George DOD:01/21/12	GEORGE H. ANDERSON, JR., son, BARBARA J. O'BAR and CHERYL M. BLACK, daughters, are	NEEDS/PROBLEMS/COMMENTS:
Rose DOD: 01/27/12	Petitioners.	
Cont. from	Petitioners state:	
<input type="checkbox"/> Aff.Sub.Wit.	1. Petitioners are beneficiaries under the terms of the George H. Anderson and Rose M. Anderson Revocable Living Trust dated 05/12/13 (the "Trust").	1. Petition does not include the names and addresses of each person entitled to notice as required by Probate Code 17201. (See also, CA Rules of Court 7.902.)
<input checked="" type="checkbox"/> Verified	2. Steven M. Anderson, also a son of the decedent's, is trustee of the Trust and also a beneficiary of the Trust.	2. Need proof of service by mail at least 30 days prior to the hearing to all persons entitled to notice pursuant to Probate Code § 17203.
<input type="checkbox"/> Inventory	3. Steven Anderson was appointed successor trustee of the Trust following the deaths of the settlors.	3. Need Order.
<input type="checkbox"/> PTC	4. Under the terms of the Trust, Steven Anderson, George Anderson, Jr., Barbara O'Bar, and Cheryl Black each receive 20% of the Trust assets. The remaining 20% is to be distributed to the settlor's living grandchildren.	
<input type="checkbox"/> Not.Cred.	5. In approximately 2002, Steven and Ida Anderson (Steve & Ida/Respondents) jointly purchased a piece of property with George & Rose Anderson. Steven and Ida moved onto said property in approximately December 2002 and George and Rose moved onto said property in early 2003. Similar to a duplex, they all lived in one building that was divided into two separate living areas. Steven & Ida lived in 2/3 of the building and George & Rose lived in 1/3 of the building.	
<input checked="" type="checkbox"/> Notice of Hrg	6. Just prior to moving onto the property, Rose was diagnosed with Alzheimer's disease and George also suffered from significant health problems and dementia. Steven & Ida voluntarily began caring for George and Rose after they moved onto the property; however they failed to provide the care that George & Rose required as outlined below.	
<input checked="" type="checkbox"/> Aff.Mail w/	7. First, Respondents failed to ensure that George & Rose were eating properly. Despite repeated requests, Respondents failed to monitor or track George & Rose's meals, causing missed meals and poor nutrition.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order x		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Continued on Page 2	
		Reviewed by: JF
		Reviewed on: 03/11/13
		Updates:
		Recommendation:
		File 7 - Anderson

8. Respondents also failed to provide adequate medical care for physical and mental health needs. Specifically, Respondents refused to take Rose to see her doctor, despite a clear need given her deteriorating condition due to Alzheimer's disease. In fact, Respondents altogether failed to take Rose to a single doctor's appointment after 2008 and even missed scheduled appointments with Rose's primary care physician. Similarly, Respondents failed to take George to the doctor or maintain regular doctor visits.
9. Respondents also failed to protect George and Rose from health and safety hazards. Despite assuming the role of caring for George and Rose, Respondents frequently failed to provide adequate protection from hazards. Respondents routinely unplugged their telephone at night in order prevent George & Rose from waking them up, this directly led to injuries to both George and Rose. Rose was injured early one morning and was bleeding profusely. After repeated failed attempts to obtain assistance from the Respondents, George called Barbara O'Bar. By the time Barbara arrived, there was blood all over the house. This was not the only incident where Respondents were unavailable when George and Rose needed their assistance.
10. Respondents also created health and safety hazards within George & Rose's home. Specifically, Respondents kept and maintained live turkeys in George & Rose's garage. Respondents also maintained a live rabbit inside George & Rose's bathroom. As a result, there were animal feces inside George & Rose's home, causing a severe odor and bugs inside the home. The odor and butts were hazardous to George & Rose's health in light of their weakened physical condition.
11. Respondents also failed to assist in providing property hygiene for George & Rose. Both were often visibly filthy and reeked of body odor when Petitioners visited. George was hospitalized on 12/27/11 and the hospital noted that he had "crystals" around his genitals demonstrating an utter and prolonged lack of proper hygiene. During the same hospitalization, George was also found to be severely dehydrated and was believed to have been for approximately 10-14 days. He was also suffering from stage 4 pressure ulcers on his heels, which were so severe; the hospital notified Adult Protective Services ("APS").
12. In December 2011, after APS was notified of George's condition, APS came to the home and investigated Rose's condition as well. At that time, Rose also demonstrated signs of neglect. She was found to have a pressure sore on her tailbone and was also suffering from a bladder infection and ringworm. Ringworm is commonly associated with and transmitted through animal feces, which Respondents failed to clean from George and Rose's home. Further, it was clear that Rose had not been properly bathed and that her hygiene had been severely neglected. Approximately 2 days after the visit from APS, Rose was taken to the Bedford Group, which is a private care home, where she ultimately died. George also died, just weeks after his hospitalization.
13. **First Cause of Action** (Neglect): At all relevant times, George and Rose Anderson were over the age of 65, with George being 94 at the time of his death and Rose being 89. Respondents, having care or custody of George & Rose Anderson both elders under the Welfare and Institutions Code, failed to exercise that degree of care that a reasonable person in a like position would exercise by 1) failing to assist in providing personal hygiene, 2) failing to provide medical care for physical and mental health needs, 3) failing to ensure provision for food, 4) failing to protect from health and safety hazards, and 5) failing to prevent dehydration. As a direct and proximate result of this neglect and physical elder abuse, Decedents suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657, including reasonable attorneys' fees and costs.

Continued on Page 3

14. **Second Cause of Action** (Financial Elder Abuse): For several years prior to Decedent's deaths, Respondents had access to George & Rose's bank account through an ATM card and check book. After gaining access to the bank account, Respondents repeatedly took, appropriated and retained money from George & Rose's account. Despite Respondents' failure to properly care for George & Rose, they routinely paid themselves money from George & Rose's account in order to "compensate" themselves for the care provided. Respondents took, appropriated, and retained said money for a wrongful use and with the intent to defraud George & Rose Anderson. Specifically, Respondents repeatedly withdrew and stole money from Decedent's bank account for their personal gain and without Decedent's knowledge or consent. Petitioners are informed and believe and thereon allege that Respondents wrongfully stole in excess of \$250,000.00 from Decedent's bank account from 2006 until the Decedent's deaths in January 2012. Respondents conduct constituted "financial abuse" within the Welfare & Institutions Code § 15610.30 in that George and Rose were "elders" during the perpetration of the acts of Respondents upon them, and that Respondents tool and appropriated Decedent's property in bad faith to a wrongful use and with intent to defraud, and diminished the resources available to Decedents for their care and support during their lifetime. George & Rose were harmed by Respondent's depletion of their assets. As a direct and proximate result of this financial elder abuse, George & Rose Anderson suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657.5, including reasonable attorneys' fees and costs.
15. **Third Cause of Action** (Recovery of Property pursuant to Probate Code § 850): Respondent Steven Anderson holds title and possession to property contained within the Anderson Trust, money held in Decedent's bank accounts at the time of their deaths, and any other property, both real and personal, owned by the Decedent's at the time of their deaths, all of which property rightfully belongs to the Trust. Petitioners claim the right to title and possession of the property as beneficiaries of the Trust.
16. **Fourth Cause of Action** (Removal of Trustee): Prior to George and Rose Anderson's deaths, Steven Anderson committed both physical and financial elder abuse upon George & Rose. He also frequently converted Trust assets for his own use and benefit to the detriment of other beneficiaries. Steven Anderson's conduct was hostile and repugnant to the interests of George & Rose, and to the interests of the Trust. As such, Steven Anderson is not fit or qualified to serve as trustee. Additionally, Steven Anderson committed breaches of trust since assuming the role of trustee. Petitioners are informed and believe that Steven has improperly used Trust funds after appointment as trustee in order to pay attorneys' fees that were incurred for his personal benefit and not the benefit of the Trust. He has further demonstrated hostility towards the other beneficiaries and refused to provide an accounting of Trust assets. In so doing, Steven Anderson breached the fiduciary duties owed to the beneficiaries of the Trust. Namely, Steven Anderson violated the following duties: duty of impartiality (Probate Code § 16003); duty not to use or deal with trust property for the trustee's own profit (§ 16004); duty to preserve trust property (§ 16006); duty to inform (§ 16060); and duty to account (§ 16061).

Petitioners pray for an Order:**ON THE FIRST CAUSE OF ACTION:**

- A. For consequential and special damages proximately cause by Respondents' acts of elder abuse and neglect upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For punitive damages, according to proof at trial;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

Continued on Page 4

ON THE SECOND CAUSE OF ACTION:

- A. For consequential and special damages proximately cause by Respondents' acts of financial elder abuse occasioned upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For a constructive trust compelling Respondents to transfer all wrongfully obtained property to the Trust pursuant to Civil Code § 2223 and 2224;
- D. For punitive damages, according to proof at trial;
- E. For a treble award of damages against Respondents pursuant to Civil Code § 3345;
- F. For attorneys' fees and costs; and
- G. For any and all further relief as the Court deems just and proper.

ON THE THIRD CAUSE OF ACTION:

- A. Directing Respondents to transfer to the Trust the property that was wrongfully removed from the Trust and to execute any documents or file any court proceedings necessary in order to fully complete the transfer;
- B. Directing Respondents to immediately deliver possession of to the Trust property that was wrongfully removed from the Trust;
- C. For statutory damages in the amount of twice the amount wrongfully taken by Respondents, pursuant to Probate Code § 859;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

ON THE FOURTH CAUSE OF ACTION:

- A. To immediately suspend the powers of the trustee, appoint a temporary trustee or trustees, and compel the trustee to surrender all Trust property to such temporary trustee(s);
- B. To remove the trustee and to appoint a successor trustee or trustees to take possession of the Trust property and administer the Trust;
- C. To compel the trustee to redress his breaches through the payment of monetary damages;
- D. To deny or otherwise reduce the compensation to the trustee;
- E. To impose a constructive trust on property of the Trust which has been wrongfully converted;
- F. To cause proceedings to trace and recover property and proceeds to with the Trust is entitled; and
- G. For any and all further relief as the Court deems just and proper.

Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 11/15/2012		DARRIN S. SMITH , son/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		Full IAEA – o.k.	
	Aff.Sub.Wit.	s/p	
✓	Verified		Will Dated: 09/14/2012
	Inventory		
	PTC		Residence: Fresno
	Not.Cred.		Publication: The Business Journal
✓	Notice of Hrg		Note: If the petition is granted status hearings will be set as follows:
✓	Aff.Mail	w/	• Friday, 08/16/2013 at 9:00a.m.
✓	Aff.Pub.		in Dept. 303 for the filing of the inventory and appraisal <u>and</u>
	Sp.Ntc.		
	Pers.Serv.		• Friday, 05/16/2014 at 9:00a.m.
	Conf. Screen		in Dept. 303 for the filing of the first account and final distribution.
✓	Letters		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Probate Referee: Rick Smith	
		Estimated Value of the Estate:	
		Personal property - \$500.00	
		Real property - \$100,000.00	
		Total: - \$100,500.00	
			Reviewed by: LV
			Reviewed on: 03/11/2013
			Updates:
			Recommendation: Submitted
			File 8 - Smith

Petition for Appointment of Temporary Guardianship of the Person

Age: 4		JAVIER R. MENDIA and SYLVIA N. MENDIA , maternal grandparents, are petitioners. Father: LONNIE MARQUEZ Mother: JENNIFER MENDIA Paternal Grandfather: Lonnie B. Marquez Paternal Grandmother: Louisa M. Ruiz Petitioners state: proposed guardians need immediate appointment of guardianship of their grandchild as they have set a place of residence for her. They provide a safe, loving home environment of which they have for the majority of her life. Petitioners need to protect their grandchild as the biological parents are not stable. They both have a long history of substance abuse and cannot care for the child at this time.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Lonnie Marquez (Father) • Jennifer Mendia (Mother) 	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: LV Reviewed on: 03/11/2013 Updates: Recommendation: File 9 - Marquez				

**10 Luis Andrade, Maria Andrade, Antonio Rivera, Zaiden Carney and
Essence Carney (GUARD/P)** **Case No. 11CEPR00655**

Atty Belmontes, Sylvia (pro per Guardian/maternal grandmother)

Atty Carney, William (pro per Petitioner/father)

Petition for Termination of Guardianship

Zaiden age: 3 yrs		WILLIAM CARNEY , father, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Essence age: 2 yrs			
		SYLVIA BELMONTES , maternal grandmother, was appointed guardian on 12/1/11.	<u>This petition is as to ZAIDEN CARNEY and ESSENCE CARNEY only.</u>
Cont. from 021113		Mother: BONNIE RIVERA	Continued from 2/11/13. Minute order states examiner notes given to petitioner. The Court directs petitioner to cure the defects. As of 3/11/13 the following issues remain:
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Paternal grandfather: William Carney Paternal grandmother: Latavia Esters – consents and waives notice. Maternal grandfather: Russell E. Belmontes.	1. Need Notice of Hearing.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Petitioner states as the father of the children he believes he can provide more effective parenting. His daughter was hurt in a domestic incident.	2. Need proof of service of the Notice of Hearing on: a. Sylvia Belmontes (guardian/maternal grandmother) b. Bonnie Rivera (mother) c. William Carney (paternal grandfather) d. Russel E. Belmontes (maternal grandfather)
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Court Investigator Jennifer Young's report filed 3/11/13	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 3/11/13	
		Updates:	
		Recommendation:	
		File 10 – Andrade, Rivera & Carney	

Chasen age: 14	<u>Temporary Expires on 3/18/13</u>	NEEDS/PROBLEMS/COMMENTS:
Jaiden age: 9		
	KATHY FARRIS-DEAN , maternal grandmother, is petitioner.	
Cont. from	Father (Chasen): VINCENT SALCEDO – Declaration of Due Diligence filed 1/17/13.	
Aff.Sub.Wit.		
Verified		
Inventory	Father (Jaiden): LAMONT (?) – Court dispensed with notice by minute order dated 1/24/13.	
PTC		
Not.Cred.		
Notice of Hrg	Mother: AMANDA SINRIL	
Aff.Mail		
Aff.Pub.	Paternal grandparents (Chasen): Unknown	
Sp.Ntc.	Paternal grandparents (Jaiden): Unknown	
Pers.Serv.	Maternal grandfather: Harold Farris	
Conf. Screen	Petitioner states the mother was cited by CPS and animal control. She does not want the children to go into foster care.	
Letters		
Duties/Supp		
Objections		
Video Receipt	Court Investigator's Report filed on 3/11/13.	
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 3/11/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 12 - Farris

14 Joanna Miranda (CONS/P)
Atty Miranda, Daniel (pro per – father/Petitioner)
Atty Miranda, Maria Elena (pro per – mother/Petitioner)

Case No. 13CEPR00119

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 18		<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:	
		DANIEL MIRANDA and MARIA ELENA MIRANDA , parents, are Petitioners, and request appointment as co-conservators of the person with medical consent powers.	Voting rights affected, need minute order. Court Investigator advised rights on 03/05/13. 1. Need Confidential Supplemental Information (Form GC-312). 2. Need proof of service by mail at least 30 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Probate Conservator</i> on Central Valley Regional Center pursuant to Probate Code § 1461.4. 3. Need Receipt for watching conservatorship video. 4. It appears that the Petitioners are requesting to be appointed as conservators of the Person only and they indicate that the proposed conservatee does not have any assets. However, they have marked the Petition at item 1(d) requesting §2590 powers and a few other places regarding conservatorship of the estate. Need clarification as to whether Petitioners are requesting they be appointed as conservators of the estate as well as person.	
Cont. from		Petitioners state that the proposed conservatee has a severe Retts condition and requires full attention. Court Investigator Julie Negrete filed a report on 03/11/13.		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt	X		
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: JF	
			Reviewed on: 03/11/13	
			Updates: 03/12/13	
			Recommendation:	
			File 14 - Miranda	

Pro Per De Boudreaux, Deneen (Pro Per Petitioner, paternal grandmother)

**Petition for Appointment of Temporary Guardianship of the Person
(Prob. C. 2250)**

DeAsia Age: 5 yrs	<p align="center">TEMPORARY GRANTED EX PARTE EXPIRES 3/18/2013</p> <p align="center"><u>General Hearing set for 5/6/2013</u></p> <p>DENEEN De BOUDREAUX, paternal grandmother, is Petitioner.</p> <p>Father: DEVERN CLARK</p> <p>Mother: ASIA ALEXANDER</p> <p>Paternal grandfather: Vernon Clark, Sr.</p> <p>Maternal grandfather: Unknown; <i>Declaration of Due Diligence filed 3/4/2013.</i></p> <p>Maternal grandmother: Unknown; <i>Declaration of Due Diligence filed 3/4/2013.</i></p> <p>Petitioner states she has taken care of the children since birth, and she is afraid that the children's mother is going to pick the children up and take them to someone else. Petitioner states the mother threatens to give them to another prostitute and pimp. Petitioner states when the mother gets mad she picks up the children and takes them with her, and she has tried to give DeAsia away and leaves Devern with anybody, and Petitioner has had to go get him in the middle of the night from total strangers. Petitioner states the children's father is in jail, and Petitioner needs guardianship to protect the children from their mother's lifestyle.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need <i>Notice of Hearing</i>.</p> <p>2. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> and a copy of the <i>Petition for Appointment of Temporary Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> Asia Alexander, mother; Devern Clark, Sr., father. 	
Devern Age: 2 yrs			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
✓ Conf. Screen			
Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG

Reviewed on: 3/11/13

Updates:

Recommendation:

File 15 - Clark